

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

**Edward T. McGrath**  
**Sandra McGrath**  
Debtor(s)

Bankruptcy Case No.: 17-21086-CMB  
Issued Per June 21, 2018 Proceeding  
Chapter: 13  
Docket No.: 115 – 108, 113  
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED  
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

**(1.) PLAN CONFIRMATION:**

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated May 15, 2018 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☒ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$1,071 as of July 2018. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☐ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: .
- ☒ H. Additional Terms: Fee application needed if any fee (including retainer) exceeds \$4,000 including any fees paid to prior counsel.  
The post-petition utility claim of Peoples Natural Gas Co., LLC is a priority administrative claim.

**(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:**

**A. Objections to the Plan.** Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

**B. Applications to retain brokers, sales agents, or other professionals.** If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

**C. Review of Claims Docket and Objections to Claims.** Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

**D. Motions or Complaints Pursuant to §§506, 507 or 522.** All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

**E. Filing Amended Plans.** Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

**A.** After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

**B.** Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

**C.** Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

**D.** Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

**E.** The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

**F.** In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.

  
Carlota M. Böhm, Judge  
United States Bankruptcy Court

Dated: June 28, 2018

cc: All Parties in Interest to be served by Clerk in seven (7) days

## Imaged Certificate of Notice Page 4 of 6

United States Bankruptcy Court  
Western District of PennsylvaniaIn re:  
Edward T. McGrath  
Sandra McGrath  
DebtorsCase No. 17-21086-CMB  
Chapter 13

## CERTIFICATE OF NOTICE

District/off: 0315-2

User: jhel  
Form ID: 149Page 1 of 3  
Total Noticed: 35

Date Rcvd: Jun 28, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jun 30, 2018.

db/jdb  
cr +Edward T. McGrath, Sandra McGrath, 75 Linshaw Ave., Pittsburgh, PA 15205-2048  
+Borough of Ingram, 437 Grant Street, 14th Floor, Frick Building, Frick Building,  
Pittsburgh, PA 15219, UNITED STATES 15219-6101  
cr +County of Allegheny, Goehring, Rutter, and Boehm, 437 Grant Street, 14th Floor,  
Frick Building, Pittsburgh, PA 15219, UNITED STATES 15219-6101  
cr +Montour School District, Goehring, Rutter & Boehm, 437 Grant Street, 14th Floor,  
Frick Building, Pittsburgh, PA 15219-6101  
cr +Peoples Natural Gas Company LLC, c/o S. James Wallace, P.C., 845 N. Lincoln Ave.,  
Pittsburgh, PA 15233-1828  
14646892 +Borough of Ingram, Goehring, Rutter & Boehm, c/o Jeffrey R. Hunt, Esquire,  
437 Grant Street, 14th Floor, Frick Building, Pittsburgh, PA 15219-6101  
14646917 +Borough of Ingram/Montour School District, Goehring, Rutter & Boehm,  
c/o Jeffrey R. Hunt, Esquire, 437 Grant Street, 14th Floor, Frick Building,  
Pittsburgh, PA 15219-6101  
14649342 Capital One, N.A., c/o Becket and Lee LLP, PO Box 3001, Malvern PA 19355-0701  
14646918 +County of Allegheny, Goehring, Rutter & Boehm, c/o Jeffrey R. Hunt, Esquire,  
437 Grant Street, 14th Floor, Frick Building, Pittsburgh, PA 15219-6101  
14385916 +Duquesne Light Company, Payment Processing Center, P.O. Box 67, Pittsburgh, PA 15267-0067  
14385917 +Edward T. Harvey, Esquire, Hergenroeder Rega Ewing & Kennedy, LLC,  
650 Smithfield St., Suite 1700, Pittsburgh, PA 15222-3913  
14385918 ++FIFTH THIRD BANK, MD# ROPS05 BANKRUPTCY DEPT, 1850 EAST PARIS SE,  
GRAND RAPIDS MI 49546-6253  
(address filed with court: Fifth Third Bank, 5050 Kingsley, 1M0C2J, Cincinnati, OH 45263)  
14385919 +Harry A. Readshaw, Esquire, Eckert Seamans Cherin & Mellott, LLC,  
60 Grant Street, 44th Floor, Pittsburgh, PA 15223-1820  
14385922 +Janet Chada, 40 West Prospect Ave., Pittsburgh, PA 15205-2241  
14385923 +John K. Weinstein, County Treasurer, Room 108 Courthouse, 436 Grant Street,  
Pittsburgh, PA 15219-2429  
14385924 +Jordan Tax Service, Inc., 102 Rahway Road, Canonsburg, PA 15317-3349  
14385925 +Jordan Tax Services, PO Box 200, Bethel Park, PA 15102-0200  
14647952 +Montour School District, C/O Weiss Burkardt Kramer, LLC., 445 Fort Pitt Blvd., Ste. 503,  
Pittsburgh, PA 15219-1308  
14385927 Peoples Natural Gas, P.O. Box 644760, Pittsburgh, PA 15264-4760  
14520192 +Peoples Natural Gas Company LLC, c/o S. James Wallace, P.C., 845 North Lincoln Avenue,  
Pittsburgh, PA 15233-1828  
14391139 +SouthWest Communities FCU, ATTN: Edward T. Harvey, Esquire,  
650 Smithfield Street, Suite 1700, Pittsburgh, PA 15222-3913  
14385928 +Southwest Community, 213 Pine Street, Carnegie, PA 15106-2438  
14385929 +Weiss Burkhardt Kramer LLC, 445 Fort Pitt Blvd., Suite 503, Pittsburgh, PA 15219-1308

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

cr +E-mail/PDF: acg.acg.ebn@americaninfosource.com Jun 29 2018 02:13:56  
Capital One Auto Finance, a division of Capital On, c/o Ascension Capital Group,  
P.O. Box 165028, Irving, TX 75016, UNITED STATES 75016-5028  
cr +E-mail/Text: bheil@swcfcu.org Jun 29 2018 02:08:15  
SouthWest Communities Federal Credit Union, former, 213 Pine Street,  
Carnegie, PA 15106-2438  
14385926 +E-mail/Text: csc.bankruptcy@amwater.com Jun 29 2018 02:08:17 American Water, PO Box 578,  
Alton, IL 62002-0578  
14385915 +E-mail/PDF: AIS.COAF.EBN@Americaninfosource.com Jun 29 2018 02:13:19  
Capital One Auto Finance, P.O. Box 60511, City of Industry, CA 91716-0511  
14729471 +E-mail/PDF: acg.acg.ebn@americaninfosource.com Jun 29 2018 02:12:42  
Capital One Auto Finance, c/o AIS Portfolio Servic, P.O. Box 4360, Houston, TX 77210-4360  
14416886 +E-mail/PDF: acg.acg.ebn@americaninfosource.com Jun 29 2018 02:13:18  
Capital One Auto Finance, c/o Ascension Capital Gr, P.O. Box 201347,  
Arlington, TX 76006-1347  
14679668 +E-mail/Text: kburkley@bernsteinlaw.com Jun 29 2018 02:08:12 Duquesne Light Company,  
c/o Allison L. Carr,, Bernstein-Burkley, P.C.,, 707 Grant St., Suite 2200, Gulf Tower,,  
Pittsburgh, PA 15219-1945  
14385921 E-mail/Text: cio.bncmail@irs.gov Jun 29 2018 02:07:24 IRS, Department of Treasury,  
Cincinnati, OH 45999  
14661305 E-mail/PDF: PRA\_BK2\_CASE\_UPDATE@portfoliorecovery.com Jun 29 2018 02:24:53  
Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541  
14388409 +E-mail/PDF: PRA\_BK2\_CASE\_UPDATE@portfoliorecovery.com Jun 29 2018 02:25:18  
PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021  
14520300 +E-mail/Text: bheil@swcfcu.org Jun 29 2018 02:08:14 SouthWest Communities FCU,  
formerly known as UES Community FCU, 213 Pine Street, Carnegie, PA 15106-2438  
14661999 +E-mail/Text: rmcbknotices@wm.com Jun 29 2018 02:08:05 Waste Management of Pennsylvania, Inc.,  
2625 W Grandview Rd Suite 150, Phoenix, AZ 85023-3109

TOTAL: 12

District/off: 0315-2

User: jhel  
Form ID: 149

Page 2 of 3  
Total Noticed: 35

Date Rcvd: Jun 28, 2018

\*\*\*\*\* BYPASSED RECIPIENTS (continued) \*\*\*\*\*

\*\*\*\*\* BYPASSED RECIPIENTS (undeliverable, \* duplicate) \*\*\*\*\*

cr Duquesne Light Company  
cr Fifth Third Bank  
cr Fifth Third Bank, an Ohio Banking Corporation  
cr Montour School District c/o Weiss Burkardt Kramer,, 445 Fort Pitt Blvd., Suite 503,  
Pittsburgh  
14385920 Industrial Towel & Uniform, Inc.  
cr\* +PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021  
14520301\* +SouthWest Communities FCU, formerly known as UES Community FCU, 213 Pine Street,  
Carnegie, PA 15106-2438  
14520303\* +SouthWest Communities FCU, formerly known as UES Community FCU, 213 Pine Street,  
Carnegie, PA 15106-2438  
14520304\* +SouthWest Communities FCU, formerly known as UES Community FCU, 213 Pine Street,  
Carnegie, PA 15106-2438

TOTALS: 5, \* 4, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address  
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Jun 30, 2018

Signature: /s/Joseph Speetjens

---

## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on June 28, 2018 at the address(es) listed below:

David Z. Valencik on behalf of Plaintiff Sandra McGrath dvalencik@c-vlaw.com,  
cvlaw.ecf.dvalencik@gmail.com; aheath@c-vlaw.com; kmosur@c-vlaw.com; bhassain@c-vlaw.com; ssimmons@c-  
vlaw.com; mpeduto@c-vlaw.com  
David Z. Valencik on behalf of Plaintiff Edward McGrath dvalencik@c-vlaw.com,  
cvlaw.ecf.dvalencik@gmail.com; aheath@c-vlaw.com; kmosur@c-vlaw.com; bhassain@c-vlaw.com; ssimmons@c-  
vlaw.com; mpeduto@c-vlaw.com  
David Z. Valencik on behalf of Debtor Edward T. McGrath dvalencik@c-vlaw.com,  
cvlaw.ecf.dvalencik@gmail.com; aheath@c-vlaw.com; kmosur@c-vlaw.com; bhassain@c-vlaw.com; ssimmons@c-  
vlaw.com; mpeduto@c-vlaw.com  
David Z. Valencik on behalf of Joint Debtor Sandra McGrath dvalencik@c-vlaw.com,  
cvlaw.ecf.dvalencik@gmail.com; aheath@c-vlaw.com; kmosur@c-vlaw.com; bhassain@c-vlaw.com; ssimmons@c-  
vlaw.com; mpeduto@c-vlaw.com  
Donald R. Calaiaro on behalf of Joint Debtor Sandra McGrath dcalaiaro@c-vlaw.com,  
cvlaw.ecf.dcalaiaro@gmail.com; aheath@c-vlaw.com; kmosur@c-vlaw.com; bhassain@c-vlaw.com; ssimmons@c-  
vlaw.com; mpeduto@c-vlaw.com  
Donald R. Calaiaro on behalf of Debtor Edward T. McGrath dcalaiaro@c-vlaw.com,  
cvlaw.ecf.dcalaiaro@gmail.com; aheath@c-vlaw.com; kmosur@c-vlaw.com; bhassain@c-vlaw.com; ssimmons@c-  
vlaw.com; mpeduto@c-vlaw.com  
Edward T. Harvey on behalf of Creditor SouthWest Communities Federal Credit Union, formerly  
known as UES Community Federal Credit Union eharvey@hrsllaw.com, dscott@hrsllaw.com  
James Warmbrodt on behalf of Defendant Fifth Third Bank, N.A. bkgroup@kmlawgroup.com  
James Warmbrodt on behalf of Creditor Fifth Third Bank bkgroup@kmlawgroup.com  
Jeffrey R. Hunt on behalf of Creditor Borough of Ingram jhunt@grblaw.com, cnoroski@grblaw.com  
Jeffrey R. Hunt on behalf of Creditor County of Allegheny jhunt@grblaw.com,  
cnoroski@grblaw.com  
Jeffrey R. Hunt on behalf of Creditor Montour School District jhunt@grblaw.com,  
cnoroski@grblaw.com  
Laura M. McCurdy on behalf of Creditor Montour School District c/o Weiss Burkardt Kramer,  
LLC. lmccurdy@wbklegal.com  
Laurence A. Mester on behalf of Defendant Capital One Auto Finance lmester@mesterschwartz.com,  
jottinger@mesterschwartz.com; jschwartz@mesterschwartz.com  
Mary F. Kennedy on behalf of Defendant Fifth Third Bank, N.A. mary@javidianlaw.com,  
tami@javidianlaw.com  
Mary F. Kennedy on behalf of Creditor Fifth Third Bank, an Ohio Banking Corporation  
mary@javidianlaw.com, tami@javidianlaw.com

District/off: 0315-2

User: jhel  
Form ID: 149

Page 3 of 3  
Total Noticed: 35

Date Rcvd: Jun 28, 2018

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email)  
system (continued)

Michael Kaminski on behalf of Plaintiff Edward McGrath mkaminski@c-vlaw.com,  
jadam@c-vlaw.com;kmosur@c-vlaw.com;bhassain@c-vlaw.com;ssimmons@c-vlaw.com;mpeduto@c-vlaw.com  
Michael Kaminski on behalf of Plaintiff Sandra McGrath mkaminski@c-vlaw.com,  
jadam@c-vlaw.com;kmosur@c-vlaw.com;bhassain@c-vlaw.com;ssimmons@c-vlaw.com;mpeduto@c-vlaw.com  
Office of the United States Trustee ustpreregion03.pi.ecf@usdoj.gov  
Peter J. Ashcroft on behalf of Creditor Duquesne Light Company pashcroft@bernsteinlaw.com,  
ckutch@ecf.courtdrive.com;acarr@bernsteinlaw.com  
Ronda J. Winnecour cmecf@chapter13trusteedpa.com  
S. James Wallace on behalf of Creditor Peoples Natural Gas Company LLC sjw@sjwpgh.com,  
srk@sjwpgh.com;PNGbankruptcy@peoples-gas.com

TOTAL: 22